UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/10
4 July 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Subcommission on Prevention of
Discrimination and Protection
of Minorities
Forty-seventh session
Item 8 of the provisional agenda

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights

Report of the Secretary-General prepared in pursuance of resolution 1994/37

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GE.95-12878 (E)

Introduction

1. At its forty-third session in 1991 and at its forth-fourth session in 1992, the Subcommission on Prevention of Discrimination and Protection of Minorities endorsed the preliminary recommendations contained in paragraphs 229 to 236 of the second progress report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1991/17) and the recommendations contained in paragraphs 202 to 246 of his final report (E/CN.4/Sub.2/1992/16), and requested the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions. (resolutions 1991/27 and 1992/29).

2. In its resolution 1992/29, the Subcommission, concerned at the negative effects of structural adjustment programmes upon the realization of economic, social and cultural rights, urged the international financial institutions, in particular the World Bank and the International Monetary Fund, to take greater account of the adverse impact of their policies and programmes of structural adjustment on the realization of economic, social and cultural rights, and to continue, on an ongoing basis, their full participation in the work and debates of the human rights bodies of the United Nations and to take into account the recommendations contained in paragraphs 231 to 243 of the final report of the Special Rapporteur.

3. At its forty-fifth session in 1993, the Subcommission, in resolution 1993/36, strongly encouraged all Governments to pursue effective policies and legislation aimed at creating conditions for ensuring the full realization of the right to adequate housing of the entire population and to take into account the particularly negative impact on housing and living conditions that might result from the adoption of economic adjustment and other policies based exclusively upon the dictates of the free market.

4. The Commission on Human Rights, in its resolution 1993/14, requested the Secretary-General to prepare basic policy guidelines on structural adjustment and economic, social and cultural rights, which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions.

5. At its forty-sixth session in 1994, the Subcommission, in resolution 1994/37, requested the Secretary-General, inter alia, to complete the preparation of basic policy guidelines on structural adjustment and economic, social and cultural rights, based on the principles of international human rights law.

6. In the same resolution, the Subcommission recalled a number of international instruments and resolutions of the General Assembly and the Commission on Human Rights related to the right to development and economic, social and cultural rights. These included the provisions of the Charter of the United Nations which established that one of the purposes of the United Nations was to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all;

the Universal Declaration of Human Rights which provided that everyone was entitled to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality; the Vienna Declaration and Programme of Action in which the need was underlined for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels; the decisions of the General Assembly to convene the World Summit for Social Development in 1995 and the United Nations Conference on Human Settlements (Habitat II) in 1996, both of which could provide a means of further strengthening economic, social and cultural rights and of expediently promoting the full realization of these rights; Commission on Human Rights resolution 1994/11 on "Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development"; Commission resolution 1994/12 on "Human rights and extreme poverty"; Commission resolution 1994/14 on "Promoting the realization of the right to adequate housing"; Commission resolution 1994/20 on the "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights"; Commission resolution 1994/21 on "The right to development", and, Commission resolution 1994/65 on "Human rights and the environment".

7. Also in the same resolution, the Subcommission recalled the reports of Mr. Danilo Türk, Special Rapporteur on the realization of economic, social and cultural rights, in particular the recommendations contained in his final report (E/CN.4/Sub.2/1992/16, paras. 202-246), and the work carried out by the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development.

8. In the light of the above, the present report is essentially based on reports and studies submitted to the Commission on Human Rights and the Subcommission as well as the outcome of various international conferences, taking into account relevant international instruments and resolutions. Chapter I of this report will briefly summarize some of the main human rights issues related to structural adjustment programmes raised in his reports by the Special Rapporteur on the realization of economic, social and cultural rights; Chapter II will contain a preliminary list of basic policy guidelines as requested by the Subcommission and the Commission in the above-mentioned resolutions. An Annex will list a set of international instruments, resolutions, documents of international conferences and studies and reports relevant to the subject matter.

9. Although the Subcommission in its resolution 1994/37 requested the Secretary-General to complete the preparation of basic policy guidelines, this is the first report and contains only a preliminary set of guidelines.

I. SUMMARY OF MAIN HUMAN RIGHTS ISSUES RELATED TO STRUCTURAL ADJUSTMENT PROGRAMMES

10. Before proceeding to elaborate a preliminary set of basic policy guidelines to be applied to structural adjustment programmes, it is essential

to recapitulate some of the main issues raised by the Special Rapporteur on the realization of economic, social and cultural rights, relating to the key components of the adjustment programmes and their impact on economic, social and cultural rights.

11. Structural adjustment programmes came as a response to imbalances in the economy, particularly deficits in a country's balance of payments, which manifested itself in the debt crisis beginning in the 1980s. The Special Rapporteur on the realization of economic, social and cultural rights pointed out that the debt crisis was the major force precipitating the imposition of adjustment programmes. Attributing the crisis to both internal and external factors such as increasingly high interest rates in the creditor countries, widening trade gaps and decreased levels of investment, he questioned the appropriateness of the response which usually involved the adoption of measures which expand exports, reduce imports, or otherwise attract foreign exchange to a country as well as measures to curb a government deficit by increasing government revenue or reducing expenditure. These actions involve changes in the structure of the economy. 1/

12. Since structural adjustment programmes cannot be separated from the problems related to the burden of foreign debt, the policy guidelines will also address this issue, which has direct repercussions upon the enjoyment of economic, social and cultural rights. The Special Rapporteur pointed out that although numerous proposals have been made to deal with the debt crisis during the past several years, none have had the necessary impact, nor have any gone far enough in addressing existing balance-of-payment problems. The failure of international financial institutions and creditor countries to find a durable solution to the problem of foreign debt has also been pointed out by Governments, international organizations and non-governmental organizations. 2/

13. The Special Rapporteur outlined the common components of adjustment: (a) devaluation of the local currency; (b) decrease of government expenditure on public services; (c) abolition of price controls; (d) imposition of wage controls; (e) reduction of trade and foreign exchange controls; (f) restrictions on domestic credit; (g) reduction of the role of the State in the economy; (h) increasing the basis for the export economy; (i) decreasing imports; and, (j) privatization of public enterprises. 3/ He pointed out that these components of "orthodox adjustment" promoted by the World Bank and the International Monetary Fund have several central objectives, including: (a) reducing inflation; (b) re-establishing equilibrium in the balance of payments; and, (c) promoting economic growth. 4/

14. Although significant changes have taken place concerning the content and orientation of adjustment programmes, the "economic medicine" prescribed to developing countries, has not developed in such a way as to correspond fully to the specificities of different situations. 5/ Moreover, since the predominant form of adjustment programmes is essentially economic in nature (as opposed to social) and the human dimension remains inadequate, they have a major impact on the fulfilment of economic, social and cultural rights. 6/ He underlined that the "attempt to divorce 'economic policies' from 'social' and 'political' policies amounts to turning a blind eye on the harsh realities of most indebted countries". 7/

15. A disturbing element of traditional adjustment programmes is their generally short-term orientation which typically range from one to three years and have a drastic economic and social impact. 8/ The Special Rapporteur pointed out that the short-term financial activities (i.e. borrowing and servicing the debt) have had a profound impact on the development of a great number of developing countries and, consequently, on the human rights of their citizens. It is becoming clearer than ever that application of short-term IMF formulas give rise to serious problems in a number of developing countries and that possibilities for the realization of economic, social and cultural rights are thus in many cases adversely affected. 9/ The human rights impact of policies pursued by these institutions have been addressed by various human rights bodies of the United Nations, including the Commission on Human Rights, its Subcommission and the Committee on Economic, Social and Cultural Rights.

16. The problem of structural adjustment applies to developed countries and developing countries alike. While rarely called "adjustment", they, in fact, resemble standard policies of adjustment advocated by IMF and the World Bank. 10/

17. The Special Rapporteur underlined the need to pay particular attention to the economic position of the heavily indebted developing countries which are facing the problems of structural adjustment. Since the late 1970s, indebted developing countries were going through a painful process of rising debt servicing accompanied by severe austerity measures, which in turn have resulted in reduced spending in those sectors that are of particular importance for the realization of economic, social and cultural rights, particularly in health care, education, housing and other basic social services. 11/

18. The problem of structural adjustment programmes can be effectively addressed only if the link between "available resources" and the realization of economic, social and cultural rights is understood. Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights requires States to take steps "to the maximum of its available resources". The Special Rapporteur, however, pointed out that this poses difficulties in times of a decrease in these resources, resulting from structural adjustment policies. Even though the duty of States to achieve progressively the full realization of these rights exists independently of the increase of resources and requires the effective use of resources available, the growth of available resources becomes a necessary element in the context of medium-term and long-term policies. 12/ In this connection, Aureliu Cristescu, Special Rapporteur on the right to self-determination underlined in his study that "It is evident that certain economic, social and cultural rights cannot be achieved other than progressively, since a country cannot progress any faster than its resources permit". 13/

19. A number of areas that should be addressed in the policy guidelines were considered by the Special Rapporteur. Among these is the problem of conditionality and its impact on national sovereignty and internal human rights obligations of States. 14/ The Special Rapporteur underlined that the structural adjustment measures and accompanying conditionalities advocated by the international financial institutions have a decidedly negative influence, both directly and indirectly, on the attainment of economic, social and

cultural rights and are incompatible with the realization of these rights. 15/ This contradiction has also been recognized in a number of resolutions of the Commission on Human Rights and the Subcommission which have expressed concern about the repercussions of structural adjustment programmes on the realization of economic, social and cultural rights.

20. Referring to the central role played by the IMF, he stated that the "IMF has become not only a major factor in decision-making on the economic policies of indebted countries but also a decisive factor in international decision-making relating to certain loans and to private foreign investment". 16/ He pointed out that "by the very nature of things, the Fund's decisions affect the economic policies of indebted countries, and consequently their social and political policies". 17/

21. Policy guidelines on structural adjustment programmes and economic, social and cultural rights cannot be separated from the issue of overall development. The Special Rapporteur has pointed out that structural adjustment programmes reflect a particular type of development model promoted through these programmes. 18/ In his reports, he examined various aspects of this development model in terms of their negative social and economic impact, their impact on national sovereignty and the role of government in achieving broader goals associated with social development. These aspects include trade liberalization, deregulation and privatization of national economies, all of which are related to the overall market orientation, and will be addressed in the basic policy guidelines. 19/

22. In this connection, the Special Rapporteur examined the human rights effects of liberalization and deregulation of economies, in particular, and the globalization of the economy in general. He drew attention to the negative consequences of trade liberalization on commodity prices on international markets as a result of the competitive rush by all adjusting countries to simultaneously expand their exports to shrinking international markets. The overburdening of the market with resources and goods, such that supply far outstrips demand, has resulted in a drop in commodity prices and has had a considerable impact on the environment and natural resource base of developing countries. 20/

23. The process has also led to the erosion of national sovereignty and domestic control as a result of the structural adjustment process: "the initiative in formulating economic policies has shifted from the national authorities to international sources, often with negative effects on the people of the developing world, while establishing the clear dominance of foreign-trade-oriented social classes". 21/ With regard to its negative impact on the capacities of legal regimes with obligations to fulfil and respect these rights, the Special Rapporteur pointed out: "the relative decline of national sovereignty and domestic control over local economic processes and resources and the corresponding growth in the level to which the international financial agencies directly influence domestic policy decisions are clearly aspects of the adjustment process which conclusively affect economic, social and cultural rights." 22/

24. With regard to the requirement to privatize public enterprises and services, 23/ the Special Rapporteur warned that "the flurry of many States

romantically to embrace the market as the ultimate solution to all of society's ills, and the corresponding rush to denationalize and leave economies, politics and social matters to the whims of the private sector, although the theme of the day, will inevitably have an impact upon the full realization of economic, social and cultural rights ... many aspects of social policy cannot be attained through blind reliance on market forces". 24/ He underlined that "the 'free market' has never had the capacity or capability of creating conditions wherein the economic, social and cultural rights of all citizens were met and fully realized". 25/

25. In this connection, the Special Rapporteur also examined the negative impact that the privatization of basic services has had on the poorest sections of the population because of increases in their prices. He examined, in particular, the increasing emphasis by the international financial institutions on the imposition of "user fees" for previously free services such as health, education, water, electricity and sanitation; the more general notion of "cost recovery"; and instituting a system of targeted subsidies by replacing much broader welfare entitlements. 26/

26. On the question of the impact of privatization on State responsibility, the Special Rapporteur underlined that "when measures designed to stimulate the private sector are put into place, what often occurs is the de facto relinquishment of what were previously State responsibilities. Even in cases where the State remains committed to at least aiming to guarantee the range of economic, social and cultural rights, it is unable to do so". 27/

27. With regard to the legal basis for privatization, the Special Rapporteur underlined that "the rush towards privatization has brought with it a mistaken belief that private property ownership must form an inherent aspect of the development process of the 1990s. It should ... be recalled that nowhere in either of the Covenants does the right to property appear". 28/ He pointed out that it would be more appropriate to view the re-emphasis on the alleged necessity of reforming legal systems to include property rights in the context of conflict with even more pressing aims associated with land rights, land reform and redistribution and the equally crucial right to adequate housing. 29/

28. The Special Rapporteur examined the impact of adjustment programmes on selected economic, social and cultural rights. He described, in particular, its negative impact on human rights related to work, fair wages, adequate standard of living, occupational health and safety standards, the right to strike and the free-functioning of trade unions, the right to food, land rights, adequate housing, health, education and the right to development. 30/ He also drew attention to the relationship between structural adjustment programmes and growing income disparity within and between States. 31/ He underlined that "drastic measures to rectify this income injustice are clearly required ... fulfilling economic, social and cultural rights throughout society is unthinkable without also redressing current income imbalances." 32/ The problem of poverty, he underlined, must be seen as part of broader socio-economic realities and current structural changes. 33/

29. The Special Rapporteur underlined that structural adjustment or any externally derived economic process will rarely affect a particular right in an exclusive manner. The human rights impact of adjustment must, therefore, be seen from a global viewpoint and the extensive countrywide implications of the programme must be recognized, as well as the fact that certain social groups tend more frequently to feel the negative impact than others. 34/ This could, he indicated, "raise issues of discrimination in the context of a broad, yet honest interpretation of this norm based on distinctions of social status and the like; particularly when a priori awareness exists that certain social groups are likely to suffer a disproportionate burden of adjustment". 35/ In this connection, the Special Rapporteur examined, in particular, the negative impact of structural adjustment on the poor, children, women, the middle-class and civil servants. 36/

30. Another area examined by the Special Rapporteur that will be addressed in the policy guidelines is the impact of structural adjustment policies on the environment. In this regard, he pointed out that "structural adjustment package policies, which invariably include increasing exports, often result in the over-exploitation of natural resources, which counteracts governmental attempts to solve environmental problems. Moreover, the human and economic costs associated with ill-conceived, improperly planned large-scale development projects often affect the realization of economic, social and cultural rights. 37/

31. The Special Rapporteur also addressed the question of alternatives to the form of structural adjustment advocated by the international financial institutions. In this regard, he pointed out that "the programmes of structural adjustment advocated by the international financial institutions and accepted and applied by States themselves do not appear to represent the only solution." 38/ At an absolute minimum, the overriding tendency of adjustment measures to take on virtually the same components, notwithstanding the specific conditions prevailing within an adjusting country, requires reconsideration. 39/ The issue, he underlined, remains one of conscious choice: "... the adjustment process can, if carried out carefully and with the proper foundations, create economic conditions whereby growth and the protection of vulnerable and disadvantaged groups are promoted". 40/ In fact, "adjustment can be utilized as an opportunity for redressing social imbalances and reviving emphasis on economic, social and cultural rights". 41/

32. The policy guidelines will also address the problems related to the integration and globalization of the economy, which increases interdependence between States and consequently, the importance of international cooperation and responsibility. The Special Rapporteur underlined that "the need for a unified, compassionate and people-based approach towards the overall satisfaction of economic, social and cultural rights, built on a solid foundation of international solidarity, has perhaps never been more urgent than it is today. At the same time, the human, technological and resource capacities available have never been more capable of satisfying these rights. ... But without a solid reorientation of the global political economy

towards the sustainable realization of economic, social and cultural rights for all, this undeniably attainable and honourable goal will face the same dubious fate it has encountered since the founding of the United Nations ...". 42/

33. The realization of economic, social and cultural rights will greatly depend on international cooperation. This has been recognized in article 2 (1) of the International Covenant on Economic, Social and Cultural Rights which refers to "international assistance and cooperation" in the context of the duties of States to take steps to the maximum of its available resources towards the realization of rights and in article 18 which refers to the role of the specialized agencies in the realization of rights, as well as in a number of other United Nations instruments. The Limburg principles, drafted by a group of experts in international law, maintains that "its available resources" refers to both the resources within a State and those available from the international community through international cooperation and assistance. Moreover, if the broader context of development is understood as being important for the realization of economic, social and cultural rights, reference should be made to such instruments as the Declaration on the Right to Development.

34. The international financial institutions such as the World Bank and the IMF are not exempt from considering the human rights implications of their work programme. The Special Rapporteur underlined that "although perhaps only implicitly, these institutions nevertheless have human rights obligations". 43/

35. He also examined the question of further development of international standards relating to economic, social and cultural rights in accordance with article 23 of the Covenant which envisages further standard-setting. He discussed, in particular, the need for standards to ensure equality and non-discrimination in the fields of health, housing and education. 44/ He stressed that the elaboration of clearer standards should be linked to the question of indicators and to the determination of the core content of the right concerned. 45/ In this regard, he also emphasized the importance of socio-economic indicators to monitor the impact of adjustment and their integration into the structural adjustment process as a matter of urgency. 46/

36. The Special Rapporteur pointed out, however, that legislative measures alone would be insufficient in the absence of political will: "though the adoption of legislative measures can perhaps be singled out as one of the most appropriate means of ensuring the realization of economic, social and cultural rights ... legislation alone is clearly insufficient to fulfil any economic, social or cultural rights". 47/ He underlined the importance of "creating political, legal, social and economic space, implying the expansion of access to space, to decision-making, to individual, family and community choices and to de facto opportunity to assert, demand and claim economic, social and cultural rights are processes at least as critical to the attainment of these rights as is the creation of new legal or quasi-legal standards". 48/

37. He also emphasised the importance of addressing other, less emphasized areas identified in his report, which affect the fulfilment of these norms: "issues such as justiciability, important though they may be must be viewed alongside other factors affecting the realization of economic, social and cultural rights". 49/ The elimination of the more substantial barriers to these rights such as the nature of political power, control over resources and skewed levels of consumption, discussed above need to be addressed. 50/

II. PRELIMINARY BASIC POLICY GUIDELINES ON STRUCTURAL ADJUSTMENT AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS

38. In his final report, the Special Rapporteur on the realization of economic, social and cultural rights suggested that the following issues be addressed in the policy guidelines:

(a) Questions related to national sovereignty, conditionalities and internal human rights obligations;

(b) The need to implement a truly case-by-case approach to adjustment programme design and to find alternatives to the adjustment process;

(c) The need to substantially increase the level and quality of popular participation, particularly by social sectors negatively affected by adjustment, including popular participation and public scrutiny of adjustment packages prior to their implementation;

(d) The defence and extension of investment in human resource development, particularly crucial in periods of adjustment;

(e) The expansion and adoption of specific measures to protect all social groups, particularly the poor;

(f) Liberalization, free trade and the globalization of the economy;

(g) Ways and means of ensuring that the policy contradictions within the international financial institutions are rectified in the true interests of economic, social and cultural rights;

(h) The need for greater institutional transparency within the international financial institutions and levels of national government negotiating adjustment measures;

(i) The pressing need for economic adjustment in the industrialized world, which fully takes into account the international ramifications of domestic economic decision-making;

(j) The provision of the necessary level of financial and other resources, sufficient to attain the goals set by appropriately designed adjustment packages;

(k) Integrating human rights yardsticks into any equation measuring the levels of achievement of adjustment programmes. 51/

A. Principles

39. By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter. 52/

40. Every State has the primary responsibility to promote the economic, social and cultural development of its people, to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development. All States have the duty, individually and collectively, to cooperate in eliminating obstacles that hinder such mobilization and use. 53/

41. Each Government has the primary role and ultimate responsibility of ensuring the social progress and well-being of its people. 54/

42. Full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the community, and full and sustained implementation of the Covenant requires the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development. 55/

43. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights reaffirm the right of everyone to a social system and an international order under which economic, social, cultural, civil and political rights can be fully exercised. 56/

44. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. 57/

45. All human beings are born free and equal in dignity and rights. 58/ Social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice. 59/

46. While specific State obligations may differ, all human rights must be applied on a basis of equality of access and opportunity in fact and in law for all persons. Due priority must be placed on those who are most vulnerable and disadvantaged. 60/

47. Macroeconomic policies should not be separated from social objectives. 61/ In formulating debt policies, particular account should be taken of social objectives and growth and development priorities. 62/

48. The human person is the central subject of development and should be the active participant and beneficiary of the right to development. 63/ Development policies should aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. 64/

49. The rapid expansion of national income and wealth and their equitable distribution among all members of society are fundamental to all social progress. 65/

50. A people-centred approach to sustainable development requires the equitable and non-discriminatory distribution of the benefits of growth among social groups and countries and expanded access to productive resources. 66/

51. Concepts of social justice should be taken as a basis for the preparation of national development plans and programmes, giving priority to problems relating to employment, education, health care, nutrition, housing, social welfare and the raising of standards of living. 67/

52. Special attention should be given to the right to the enjoyment of the highest attainable standard of physical and mental health, and to health as a factor of development. 68/

53. Social development goals should be integrated into national development plans, policies and budgets. 69/

54. The principle of sustainability should be incorporated in economic planning and policies, adjustment programmes and the entire field of economic, social and cultural rights. 70/

55. Structural adjustment programmes should not have negative impacts on the environment and social development so that such programmes can be more in line with the objectives of sustainable development. 71/

56. The human dimension should be integrated in the formulation and implementation of structural adjustment programmes with the aim of protecting, in particular, the most vulnerable groups of the population in the processes of adjustment. 72/

57. The necessary conditions should be created at both the national and the international levels so that all individuals can develop their potential. The State cannot abandon its responsibility and submit to market forces. 73/

58. Based on a people's own efforts, the strategy of rapid economic and social progress cannot be deduced from single models or rigid formulas: it must be drawn up in the light of national conditions and characteristics and necessitates a commitment on the part of each State and the cooperation of all States. 74/

59. Public policies are necessary to correct market failures, to complement market mechanism, to maintain social stability and to create a national and international economic environment that promotes sustainable growth on a global scale. 75/

60. The exploration, development and disposition of national resources, as well as the import of the foreign capital required for these purposes, should be in conformity with the rules and conditions which the peoples and nations freely consider to be necessary or desirable with regard to the authorization, restriction or prohibition of such activities. 76/

61. Social progress and development require the participation of all members of society in productive and socially useful labour, the establishment of forms of ownership of land and of the means of production which preclude any kind of exploitation of man. 77/

62. Structural adjustment programmes, in the context of the attainment of macroeconomic balance, should contribute to modernization, diversification and growth of the economies of the developing countries and, at the same time, to the fulfilment of the aim of improving the human condition, including standards of living and quality of life of people, health, education and employment of the population, especially among low-income and vulnerable groups of the population. 78/

63. Economic growth and development in developing countries should be revived and the political and social costs of structural adjustment programmes should be reduced to guarantee the necessary conditions for the full enjoyment of all human rights. 79/

64. Structural constraints to economic growth and employment creation should be removed as a part of stabilization policies. 80/

65. Social progress and development are the common concerns of the international community, which shall supplement, by concerted international action, national efforts to raise the living standards of peoples. 81/

66. The imposition of conditionalities, structural adjustment programmes, the burden of foreign debt and debt-servicing constitute obstacles to the realization of the right to development. 82/ States have a duty to cooperate with each other in ensuring development and eliminating obstacles to development. 83/

67. States should realize their rights and duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights. 84/

68. Cooperation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of each people to choose freely its own socio-economic and political system and to exercise full sovereignty over its wealth and natural resources, is essential for the promotion of peace and development. 85/

69. States should cooperate in facilitating more rational and equitable international economic relations and in encouraging structural changes in the context of a balanced economy in harmony with the needs and interests of all countries, especially developing countries, and should take appropriate measures to this end. 86/

70. The position of the developing countries in international trade should be improved through, inter alia, the achievement of favourable terms of trade and of equitable and remunerative prices. 87/

71. International financing institutions should effectively play their role as development financing banks without discrimination on account of the political or economic system of any member country, assistance being untied. 88/

72. The increasing integration and internationalization of the global economy, as well as political and social structures and processes, increase the importance of international cooperation and responsibility. 89/

B. Policy guidelines for action at the national level

73. States should include measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, using the International Covenant on Economic, Social and Cultural Rights as a framework for this purpose. When doing so, States should consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, as well as to seek the participation of communities affected by the non-realization of these rights. 90/

74. States which have not yet done so should ratify the International Covenant on Economic, Social and Cultural Rights and other relevant international instruments. 91/

75. States should establish, whenever possible, appropriate judicial or administrative review mechanisms concerning economic, social and cultural rights. 92/

1. Popular participation

76. Legislative and regulatory frameworks, institutional arrangements and consultative mechanisms should be established to ensure the effective participation of all the elements of society in the formulation, planning, implementation and evaluation of national strategies, policies and programmes of economic and social development, as well as in the monitoring and supervision of their implementation. 93/

77. Measures should be adopted for an increasing rate of popular participation in the economic, social, cultural and political life of countries through national governmental bodies, non-governmental organizations, cooperatives, rural associations, workers' and employers' organizations and women's and youth organizations. 94/

78. States should safeguard and promote respect for basic workers' rights, including freedom of association and the right to organize and bargain collectively for the protection of their interests and to achieve truly sustained economic growth and sustainable development. 95/

79. States should enable and encourage trade unions to participate in the planning and implementation of development programmes, in the determination of social development goals and in the development of an economic environment that facilitates sustained economic growth and sustainable development. 96/

80. Before any investments based on technical changes are made, the social effects should be examined in cooperation with the workers, and measures taken to protect them from dismissal, disqualification or other adverse consequences. 97/

81. States should ensure the provision of a healthy and safe workplace, including through consultation and cooperation. 98/ Suitable working and health regulations must be worked out and checked before new technologies and methods are introduced. 99/

82. States should enable and encourage rural workers and farmers, through strong and independent organizations and cooperatives, to participate in the formulation, implementation and evaluation of sustainable agricultural and rural development policies and programmes and at all stages and levels of national planning. 100/

83. States should strengthen the participation of organizations of small farmers, landless tenants and labourers, other small producers, fisherfolk, community-based and workers' cooperatives, especially those run by women in the planning and implementation of rural development. 101/

84. Land reform measures should be accompanied by respect for the right to freedom of association and should provide for full peasant participation in the discussion and implementation of land-related policies. 102/

85. States should encourage youth to participate in discussions and decisions affecting them and in the design, implementation and evaluation of policies and programmes. 103/

86. States should promote the active participation of youth and adult learners in the design of literacy campaigns, education and training programmes to ensure that the labour force and social realities of diverse groups are taken into account. 104/

87. States should take particular actions to enhance the productive capacities of indigenous people, ensuring their full and equal access to social services and their participation in the elaboration and implementation of policies that affect their development, with full respect for their cultures, languages, traditions and forms of social organizations, as well as their own initiatives. 105/

88. States should encourage creative initiative under conditions of enlightened public opinion. 106/ States should simplify administrative regulations, disseminating information about public policy issues and initiatives for collective interests, and facilitating maximum access to information. 107/

89. States should ensure, through appropriate regulation, that contributory social protection plans are efficient and transparent so that the contributions of workers, employers and the State and the accumulation of resources can be monitored by participants. 108/

90. States should monitor, analyse and disseminate information on the impact of trade and investment liberalization on the economy, especially on employment. 109/

91. States should ensure greater transparency in negotiations and agreements between States and international financial and aid institutions. This must include the publication and widest possible dissemination of proposed and final agreements concerning financial aid, debt repayment and monetary policy. 110/ The public must be given an appropriate opportunity to provide their own views prior to final decisions being made, with plan modifications remaining a possibility at any time. 111/

2. Equality of opportunity and access to productive resources

92. States should analyse policies and programmes, including those relating to macroeconomic stability, structural adjustment programmes, taxation, investments, employment, markets and all relevant sectors of the economy, with respect to their impact on poverty and inequality, employment, social development and assess their impact on family well-being and conditions, as well as their gender implications, and adjust them, as appropriate, to promote a more equitable distribution of productive assets, wealth, opportunities, income and services. 112/

93. States should ensure that structural adjustment programmes are so designed as to minimize their negative effects on vulnerable and disadvantaged groups and communities, devise measures to ensure that such groups and communities gain access to and control over economic resources and economic and social activities; actions should be taken to reduce inequality and economic disparity. 113/

94. The human impact of adjustment, particularly measures affecting the enjoyment of economic, social and cultural rights, should be subject to systematic review. 114/

95. States should ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. 115/

96. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices. 116/

97. The principal instruments for achieving greater equality and ensuring society-wide enjoyment of economic, social and cultural rights, should be economic and social measures which act directly on the level of incomes and on the wealth of private individuals and groups. 117/

98. States should formulate, strengthen and implement national poverty eradication plans to address the structural causes of poverty, giving particular attention to employment creation as a means of eradicating poverty, giving appropriate consideration to health and education, assigning a higher priority to basic social services, generating household income, and promoting access to productive assets and economic opportunities. 118/

99. States should give priority to programmes that most directly promote job growth when budgetary adjustments are required. 119/

100. States should encourage, as appropriate, labour-intensive investments in economic and social infrastructure that use local resources and create, maintain and rehabilitate community assets in both rural and urban areas. 120/

101. States should promote technological innovations and industrial policies that have the potential to stimulate employment creation and to consider their impact on vulnerable and disadvantaged groups. 121/

102. States should ensure that education and training programmes respond to changes in the economy, provide full and equal access to training opportunities and secure the access of women to training programmes. 122/

103. States should encourage the utilization of renewable energy, based on local employment-intensive resources, in particular in rural areas. 123/

104. States should establish a system of minimum wages which covers all groups of wage earners whose terms of employment are such that coverage would be appropriate. 124/

105. The elements to be taken into consideration in determining the level of minimum wages should, as far as possible and appropriate in relation to national practice and conditions, include the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups. 125/

106. Measures should be adopted to improve the conditions of agricultural labour, and increase the access of small farmers to water, credit, extension services and appropriate technology, including for women, persons with disabilities and vulnerable groups on the basis of equality. 126/

107. Assistance should be provided to informal sectors and local enterprises to become more productive and progressively integrated into the formal economy through access to affordable credit, information, wider markets, new technology and appropriate technological and management skills, opportunities to upgrade technical and management skills, and improved premises and other physical infrastructure, as well as by progressively extending labour standards and social protection. 127/

108. States should develop and implement policies designed to promote improved working conditions, including health and safety conditions. 128/

109. Health and safety conditions for workers should be improved by means of appropriate technological and legislative measures and the provision of the material prerequisites for the implementation of those measures, including the limitation of working hours. 129/ In doing so, account should be taken on relationships between the material elements of work and the persons who carry out the work, and adaptation of machinery, equipment, working time, organization of work and work processes to the physical and mental capacities of the workers. 130/

110. States should safeguard and promote respect for basic workers' rights, including the prohibition of forced labour and child labour, equal remuneration for men and women for work of equal value, and non-discrimination in employment, and fully implementing the conventions of the International Labour Organization in the case of States parties to those conventions and taking into account the principles embodied in those conventions in the case of those countries that are not States parties to thus achieve truly sustained economic growth and sustainable development. 131/

111. States should strengthen labour market information systems, particularly the development of appropriate data and indicators on employment, underemployment, unemployment and earnings, as well as dissemination of information concerning labour markets, including, as far as possible, work situations outside formal markets. All such data should be disaggregated by gender in order to monitor the status of women relative to men. 132/

112. States should strengthen organizations of small farmers, landless tenants and labourers, other small producers, fisherfolk, community-based and workers' cooperatives, especially those run by women, in order to, inter alia, improve market access and increase productivity, provide inputs and technical advice, promote cooperation in production and marketing operations, and strengthen participation in the planning and implementation of rural development. 133/

113. States should achieve food security by ensuring a safe and nutritionally adequate food supply, a reasonable degree of stability in the supply of food, as well as physical, social and economic access to enough food for all. 134/

114. States should readjust, where appropriate, their agricultural policies to give priority to food production, recognizing, in this connection the interrelationship between the world food problem and international trade. 135/

115. States should adopt measures to boost and diversify agricultural production through, inter alia, the implementation of democratic agrarian reforms to ensure an adequate and well-balanced supply of food, its equitable distribution among the whole population and the improvement of nutritional standards. 136/

116. States should promote democratically based social and institutional reforms and motivation for change basic to the elimination of all forms of discrimination and exploitation and conducive to high rates of economic and social progress, to include land reform, in which the ownership and use of land will be made to serve best the objectives of social justice and economic development. 137/

117. States should protect the traditional rights to land and other resources of pastoralists, fishery workers and nomadic and indigenous people, and strengthen land management in the areas of pastoral or nomadic activity, building on traditional communal practices, controlling encroachment by others, and developing improved systems of range management and access to water, markets, credit, animal production, veterinary services, health including health services, education and information. 138/

118. Measures should be adopted for appropriate supervision of the utilization of land in the interests of society. 139/

119. Measures should be adopted to promote infrastructural and institutional investment in small-scale farming in resource-poor regions so that small-scale farmers can fully explore market opportunities, within the context of liberalization. 140/

120. States should strengthen agricultural training and extension services to promote a more effective use of existing technologies and indigenous knowledge systems and to disseminate new technologies in order to reach both men and women farmers and other agricultural workers. 141/

121. Measures should be adopted to improve economic opportunities for rural women through the elimination of legal, social, cultural and practical obstacles to women's participation in economic activities and to ensure that women have equal access to productive resources. 142/

122. States should provide incentives for substantially improving access to and strengthening the capacities of the organized credit system to deliver credit and related services to small rural or urban producers, landless farmers and other people with low or no income, with special attention to the needs of women and disadvantaged and vulnerable groups. 143/

123. States should review national legal, regulatory and institutional frameworks that restrict access of people living in poverty, especially women, to credit on reasonable terms. 144/

124. States should establish policies, objectives and measurable targets to enhance and broaden women's economic opportunities and their access to productive resources, particularly women who have no source of income. 145/

125. States should expand and improve opportunities for continuing education and training and non-formal education in order to improve opportunities for people living in poverty, including people with disabilities, and in order to develop the skills and knowledge that they need to better their conditions and livelihoods. 146/

126. Subsidies should remain an important means by which Governments facilitate a significant part of the realization of economic, social and cultural rights of their citizens. 147/ States should re-examine the distribution of subsidies, inter alia, between industry and agriculture, urban and rural areas, and private and public consumption, to ensure that subsidy systems benefit people living in poverty, especially the vulnerable, and reduce disparities. 148/

127. States should encourage transnational and national corporations to operate in a framework of respect for the environment while complying with national laws and legislation, and in accordance with international agreements and conventions, and with proper consideration for the social and cultural impact of their activities. 149/

128. States should promote fair competition and ethical responsibility in business activities. 150/ "Ground rules" must be laid down to combat abuses of economic concentration and restrictive trade practices. 151/

129. States should establish a regulatory framework and economic instruments which would ensure the transparent operation of the market and correct its deficiencies; to implement policies for the development of human resources; and to achieve equity in the allocation of resources and incomes. 152/

3. Equality of opportunity and access to social services

130. Investment in human resource development should be defended and extended, particularly crucial in periods of adjustment. 153/

131. States should adopt vigorous measures for a fuller mobilization of the whole range of their domestic financial resources and for ensuring the most effective use of available resources, both internal and external. 154/

132. An equitable distribution and redistribution of national income should be achieved by utilizing, inter alia, the fiscal system and government spending. 155/

133. Measures should be adopted for the progressive increase of the provision of the necessary budgetary and other resources required for financing the social aspects of development. 156/

134. States should implement macroeconomic and microeconomic policies, in accordance with national priorities and policies, aimed at encouraging greater domestic savings and investment required for public spending, through progressive taxation and through cutting back on subsidies that do not benefit the poor. 157/

135. States should reduce as appropriate, excessive military expenditures and investments for arms production and acquisition, consistent with national security requirements, in order to increase resources for social and economic development. 158/

136. The greater financial gain achieved through higher labour productivity arising out of technical progress should be used to pay for measures of social progress. 159/

137. Measures should be adopted aimed at the prevention of such an outflow of capital from developing countries as would be detrimental to their economic and social development. 160/

138. Measures should be adopted to increase the effective and transparent utilization of public resources, reducing waste and combating corruption, and concentrating on the areas of greatest social need. 161/ Patterns of public spending should be analysed by States. Public spending must be consistent with the degree to which economic, social and cultural rights remain unrealized in a given country. 162/

139. States should undertake regular national reviews of economic policies and national budgets to orient them towards eradicating poverty and reducing inequalities. 163/

140. High priority should be given to social development in the allocation of public spending and ensuring predictable funding for the relevant programmes. 164/

141. A large part of the nation's resources must be constantly reinvested over a long period, with a view to promoting development. Each country must establish its own educational and research systems on the basis of the specific requirements of social production. 165/

142. States should redesign public investment policies that relate to infrastructure development, the management of natural resources and human resource development to benefit people living in poverty and that are compatible with the long-term improvement of their livelihood. 166/

143. Policies should be formulated to ensure that all people have adequate economic and social protection during unemployment, ill-health, maternity, disability and old age. 167/

144. States should expand and strengthen social protection programmes to protect working people, including the self-employed and their families, from the risk of falling into poverty, by extending coverage to a many as possible, providing benefits quickly and ensuring that entitlements continue when workers change jobs. 168/

145. Workers who lose their jobs as a result of structural or technical changes should be re-trained while receiving full wages and then offered suitable work. 169/

146. States should provide universal access to primary education, secondary education in its different forms, including technical and vocational secondary education, and higher education. While primary education should be compulsory and free to all, free secondary and higher education should be progressively introduced. 170/

147. States should achieve universal access to quality education, with particular priority being given to primary and technical education, job training, combating illiteracy and eliminating gender disparities in access to, retention in, and support for, education. 171/

148. States should promote the provision or expansion of access to training, education and other employment assistance services, in particular for women, youth, the unemployed and the underemployed. 172/

149. States should facilitate access and improve the quality of education for people living in poverty by establishing schools in unserved areas, providing social services, such as meals and health care, as incentives for families in poverty to keep children in school, and improving the quality of schools in low-income communities. 173/

150. States should ensure universal access to basic social services, with particular efforts to facilitate access by people living in poverty and vulnerable groups. 174/

151. States should ensure the provision of free health services to the whole population and of adequate preventive and curative facilities and welfare medical services accessible to all. 175/

152. States should encourage health-care workers to work in low-income communities and rural areas, and provide outreach services to make health care available to otherwise unserved areas, recognizing that investing in a primary health-care system that ensures prevention, treatment and rehabilitation for all individuals is an effective means of promoting social and economic development as well as broad participation in society. 176/

153. States should provide, on a sustainable basis, access to safe drinking water in sufficient quantities and proper sanitation for all. 177/

154. All Governments should pursue effective policies and legislation aimed at creating conditions for ensuring the full realization of the right to adequate housing of the entire population, taking into account the particularly negative impact on housing and living conditions that may result from the adoption of economic adjustment and other policies based exclusively upon the dictates of the free market. 178/

155. States should improve the availability of affordable and adequate shelter for all, in accordance with the Global Strategy for Shelter to the Year 2000. 179/

156. States should ensure full and equal access to social services, especially education, legal services and health-care services for women of all ages and children, recognizing the rights, duties and responsibilities of parents and other persons legally responsible for children, and consistent with the Convention on the Rights of the Child. 180/

157. Country-specific social safety nets should be guaranteed at such a duration and level that the core minimum entitlements of all citizens, in

terms of economic, social and cultural rights, are met. 181/ Short term by nature, they must protect people living in poverty and enable them to find productive employment. 182/

158. While special attention must be paid to the question of targeted public expenditure for the poor and to social safety nets, general economic policies should be designed in a way which would reduce the need for such measures. 183/

C. Policy guidelines for action at the international level

1. Conditionality or any kind of external pressure or intervention in the internal or external affairs of a State

159. Every State has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever. 184/

160. No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. 185/

161. The right of every country to adopt the economic and social system that it deems the most appropriate for its own development and not be subjected to discrimination of any kind as a result. 186/

162. All peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter. 187/

163. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. 188/

164. Full permanent sovereignty of every State over its natural resources and all economic activities. In order to safeguard these resources, each State is entitled to exercise effective control over them and their exploitation with means suitable to its own situation, including the right to nationalization or transfer of ownership to its nationals, this right being an expression of the full permanent sovereignty of the State. No State may be subjected to economic, political or any other type of coercion to prevent the free and full exercise of this inalienable right. 189/

165. Every country has the sovereign right freely to dispose of its natural resources in the interest of the economic development and well-being of its own people; any external, political or economic measures or pressures brought to bear on the exercise of this right is a flagrant violation of the

principles of self-determination of peoples and non-intervention, as set forth in the Charter of the United Nations and, if pursued, could constitute a threat to international peace and security. 190/

166. States have the duty to cooperate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international cooperation free from discrimination based on such differences. 191/

167. All States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries. In particular, all States should avoid prejudicing the interests of developing countries. 192/

168. States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention. 193/

169. Every State should cooperate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of States and free of any conditions derogating from their sovereignty. 194/

170. Economic and financial agreements between the developed and the developing countries must be based on the principle of equality and of the right of peoples and nations to self-determination. 195/

171. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. 196/ Such measures include economic pressure designed to influence the policy of another country or to obtain control of essential sectors of its national economy. Aid and technical assistance can serve to cloak interference in the domestic affairs of other States. Their use for that purpose would constitute a form of intervention. 197/

172. Extension of active assistance to developing countries should be guaranteed by the whole international community, free of any political or military conditions. 198/

173. The provision of economic and technical assistance, loans and increased foreign investment must not be subject to conditions which conflict with the interests of the recipient State. 199/

174. There should be a general easing of the terms of lending to the developing countries through low interest rates on loans and long grace periods for the repayment of loans, and an assurance that the allocation of such loans will be based strictly on socio-economic criteria free of any political considerations. 200/

175. In cases where authorization is granted, the capital imported and the earnings on that capital shall be governed by the terms thereof, by the national legislation in force, and by international law. The profits derived must be shared in the proportions freely agreed upon, in each case, between the investors and the recipient State, due care being taken to ensure that there is no impairment, for any reason, of that State's sovereignty over its natural wealth and resources. 201/

176. The development of natural resources which can be utilized for the domestic needs of the underdeveloped countries and also for the needs of international trade, provided that such commercial agreements shall not contain economic or political conditions violating the sovereign rights of the underdeveloped countries, including the right to determine their own plans for economic development. 202/

177. Economic relations between countries, including trade relations, shall be based on respect for the principle of sovereign equality of States, self-determination of peoples, and non-interference in the internal affairs of other countries. 203/

178. Every State has the right to engage in international trade and other forms of economic cooperation irrespective of any differences in political, economic and social systems. No State shall be subjected to discrimination of any kind based solely on such differences. 204/

179. States should refrain from any unilateral measures not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the human rights set forth in the Universal Declaration of Human Rights and international human rights instruments, in particular the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services. 205/

180. Food should not be used as a tool for political pressure. 206/

181. Technical cooperation should not be used to impose models of economic development on a recipient country if those models do not fully take into account the policy framework and development strategies of that country. 207/

182. Each State has the right to regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and in conformity with its national objectives and priorities. No State shall be compelled to grant preferential treatment to foreign investments. 208/

183. Every State has the right to regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host State. Every State should, with full regard for its sovereign rights, cooperate with other States in the exercise of the right set forth in this subparagraph. 209/

184. States should achieve food security by ensuring a safe and nutritionally adequate food supply, at both the national and international levels, a reasonable degree of stability in the supply of food, as well as a physical, social and economic access to enough food for all, while reaffirming that food should not be used as a tool for political pressure. 210/

185. International financing institutions should effectively play their role as development financing banks without discrimination on account of the political or economic system of any member country, assistance being untied. 211/

2. Availability of external resources

186. States should pursue internal and external economic policies designed to accelerate growth throughout the world, and in particular to help promote, in developing countries, a rate of growth consistent with the need to bring about a substantial and steady increase in average income. 212/

187. More appropriate conditions should be established for a balanced exchange of resources between North and South. There is a need for greater transfers internationally as well as a redirection of current resources. 213/

188. All States should respond to the generally recognized or mutually agreed development needs and objectives of developing countries by promoting increased net flows of real resources to the developing countries from all sources. 214/

3. Foreign debt

189. Any foreign debt strategy must be designed not to hamper the steady improvement of conditions guaranteeing the enjoyment of human rights and must be intended, inter alia, to ensure that debtor developing countries achieve an adequate growth level to meet their social and economic needs and their development requirements. 215/

190. The alleviation of debt and debt-service burdens of developing countries with debt problems should take place in the framework of the realization of economic, social and cultural rights. 216/

191. The new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development. It is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups. 217/

192. Debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment. 218/

193. Steps should be taken to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or

debt-service, and to adopt more urgent actions with regard to the commercial and multilateral debt owed by developing countries taking into account, in particular, the needs of debtor countries. 219/

194. Measures should be adopted to substantially reduce the bilateral debts of the least developed countries, in particular the countries of Africa, as soon as possible. 220/

195. Creditor countries and multilateral financial institutions should continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes. 221/

196. Steps should be taken to mobilize the resources of the International Development Association Debt Reduction Facility in order to help eligible developing countries to reduce their commercial debt, considering alternative mechanisms to complement that facility. 222/

197. Measures for debt reduction also need to be accompanied by vigorous efforts aimed at improving the international economic environment in order to facilitate the growth and development of developing countries. 223/

198. There should be a political dialogue between creditor and debtor countries in the United Nations system, based on the principle of shared responsibility. This dialogue should contribute to the initiation of an integral process aimed at restructuring the international economic order with the objective of achieving more equitable and fair relations among all nations of the world. 224/

4. External trade

199. All States should cooperate, inter alia, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and, to these ends, coordinated efforts shall be made to solve in an equitable way the trade problems of all countries, taking into account the specific trade problems of the developing countries. 225/

200. Assistance should be provided to monitor the impact of trade liberalization on progress made in developing countries to meet basic human needs, giving particular attention to new initiatives to expand the access of developing countries to international markets. 226/

201. Adjustments in the prices of exports of developing countries in relation to prices of their imports should be achieved so as to promote just and equitable terms of trade for them, in a manner which is remunerative for producers and equitable for producers and consumers. 227/

202. All States should cooperate to devise effective steps to deal with the problem of stabilizing world markets and promoting equitable and remunerative prices, where appropriate through international arrangements, to improve access to markets through reduction or elimination of tariff and non-tariff

barriers on the products of interest to the developing countries, to substantially increase the export earnings of these countries and to contribute to the diversification of their exports. 228/

203. Efforts should be made to ensure that developing countries do not lag behind as a result of new rules governing international trade relations. 229/

5. Transnational corporations

204. Developed countries should cooperate in ensuring that the activities of transnational corporations are in keeping with the economic and social objectives of the developing countries in which they operate. 230/

205. States should eliminate all forms of foreign economic exploitation, particularly that practised by international monopolies, in order to enable the people of every country to enjoy in full the benefits of their national resources. 231/

206. Measures should be adopted for the regulation and supervision of the activities of transnational corporations, by taking measures in the interest of the national economies of the countries where such transnational corporations operate on the basis of the full sovereignty of those countries. 232/

207. States should promote international agreements that address effectively issues of double taxation, as well as cross-border tax evasion, in accordance with the priorities and policies of the States concerned, while improving the efficiency and fairness of tax collection. 233/

208. All efforts should be made to formulate, adopt and implement an international code of conduct for transnational corporations: (a) to prevent interference in the internal affairs of the countries where they operate; (b) to regulate their activities in host countries, to eliminate restrictive business practices and to conform to the national development plans and objectives of countries, and in this context facilitate, as necessary, the review and revision of previously concluded arrangements; (c) to bring about assistance, transfer of technology and management skills to developing countries on equitable and favourable terms; (d) to regulate repatriation of the profits accruing from their operations, taking into account the legitimate interests of all parties concerned; (e) to promote reinvestment of their profits in developing countries. 234/

6. Development assistance

209. The necessary level of financial and other resources should be provided, sufficient to attain the goals set by appropriately designed adjustment packages. 235/

210. Existing policies of development assistance should be continuously examined with a view to expanding the proportion of development assistance committed to human priority areas and social sectors. 236/

211. Technical, financial and material assistance, both bilateral and multilateral, should be provided to the developing countries, to the fullest possible extent and on favourable conditions, to facilitate the direct exploitation of their national resources and natural wealth by those countries with a view to enabling the peoples of those countries to benefit fully from their national resources. The coordination of international assistance should be improved for the achievement of the social objectives of national development plans. 237/

212. Measures should be taken to provide technical assistance and expanded transfer of technology to developing countries to integrate technology and employment policies with other social objectives, and to establish and strengthen national and local technology institutions. 238/

213. States, primarily highly industrialized countries, should make all efforts to promote the transfer, adaptation and dissemination of appropriate food production technology for the benefit of the developing countries and, to that end, they should, inter alia, make all efforts to disseminate the results of their research work to Governments and scientific institutions of developing countries in order to enable them to promote a sustained agricultural development. 239/

214. Assistance should be provided for social-sector activities, such as the rehabilitation and development of social infrastructure, including in the form of grants or soft loans. 240/

215. States members of the international community should, bilaterally or through multilateral organizations, strengthen the capacities of developing countries to monitor the progress of national poverty eradication plans and to assess the impact of national and international policies and programmes on people living in poverty and address their negative impacts. 241/

216. Assistance should be provided to countries to strengthen or rebuild their capacities for formulating, coordinating, implementing and monitoring integrated strategies for social development. 242/

217. Government policies and programmes to promote social development should be enhanced by strengthening the coordination of all efforts by national and international actors, strengthening the efficiency and operational capacity of public management structures, and facilitating the effective and transparent use of resources, taking due account of the recommendations and follow-up to Agenda 21. 243/

218. Preference should be given, wherever possible, to the utilization of competent national experts or, where necessary, competent experts from within the subregion or region or from developing countries in project and programme design, preparation and implementation, and to the building of local expertise where it does not exist. 244/

219. Official development assistance should be increased, both in total and for social programmes and improving its impact, consistent with countries' economic circumstances and capabilities to assist, and consistent with commitments in international agreements, and striving to attain the agreed

upon target of 0.7 per cent and of gross national production for official development assistance and 0.15 per cent to the least developed countries, as soon as possible. 245/

220. Ways and means should be explored to strengthen support and expand South-South cooperation based on partnership between developing and developed countries, as well as enhanced cooperation among developing countries. 246/

7. Adjustment in developed countries

221. There is an urgent need for economic adjustment in the industrialized countries, which fully takes into account the international ramifications of domestic economic decision-making. 247/

222. Developed countries should assist the developing countries in their efforts to speed up their economic and social progress, should cooperate in measures taken by developing countries for diversifying their economies, and should encourage appropriate adjustments in their own economies to this end. 248/

223. Developed countries should undertake an objective and critical examination of their present policies and make appropriate changes in such policies so as to facilitate the expansion and diversification of imports from developing countries and thereby make possible international economic relations on a rational, just and equitable basis. 249/

224. Industrialized countries, in particular, should take measures to change unsustainable consumption and production patterns. 250/ They should strive to: (a) promote efficiency in production processes and reduce wasteful consumption in the process of economic growth, taking into account the development needs of developing countries; (b) develop a domestic policy framework that will encourage a shift to more sustainable patterns of production and consumption; and (c) reinforce both values that encourage sustainable production and consumption patterns and policies that encourage the transfer of environmentally sound technologies to developing countries. 251/

225. In the determination of attitudes towards farm support programmes for domestic food production, developed countries should take into account, as far as possible, the interest of food-exporting developing countries, in order to avoid detrimental effects on their exports. 252/

226. In order to facilitate market access, particularly in the areas of interest to developing countries, developed countries should undertake appropriate structural adjustment in their own economies. It is urgent to achieve an improvement in market access conditions for commodities, notably through the progressive removal of barriers that restrict imports, particularly from developing countries, of commodity products in primary and processed forms, as well as the substantial and progressive reduction of types of support that induce uncompetitive production, such as production and export subsidies. 253/

227. Industrialized countries and other countries in a position to do so should strengthen their efforts to (a) stimulate savings and reduce fiscal deficits; (b) ensure that the processes of policy coordination take into account the interests of the developing countries, including the need to support the efforts of the least developed countries to halt their marginalization in the world economy; (c) undertake appropriate macroeconomic and structural policies aimed at promoting non-inflationary growth, narrowing their major external imbalances and increasing the adjustment capacity of their economies. 254/

8. Military expenditure

228. All States should promote the achievement of general and complete disarmament under effective international control and utilize the resources released by effective disarmament measures for the economic and social development of countries, allocating a substantial portion of such resources as additional means for the development needs of developing countries. 255/

9. International institutions

229. The appropriate United Nations bodies and specialized agencies should take into account the need to achieve social justice for all when considering social development issues and observance of human rights. 256/

230. Measures should be taken to ensure coordination within the United Nations system in order to develop a comprehensive approach to developmental social welfare, including integrated and mutually supportive economic and social development policies, focused on the achievement of social justice. 257/

231. Care should be taken to avoid dissociating the economic and monetary aspects of development from its social aspects and to enhance the dialogue between international social and humanitarian agencies and international institutions responsible for financial and trade questions. 258/

232. The balance must be preserved between economic and social development. The concepts contained in the Declaration on the Right to Development must form, within their areas of competence, an integral part of the policies and programmes of all United Nations bodies and agencies, including the Bretton Woods institutions and the World Trade Organization. 259/

233. States should ensure that the World Bank, the International Monetary Fund, the regional and subregional development banks and funds, and other international finance organizations further integrate social development goals in their policies, programmes and operations, including by giving higher priority to social-sector lending, where applicable, in their lending programmes. 260/

234. States should ensure that funding agencies within the United Nations consider readjustment and appropriate increase of their input of resources in the field of social development to fully reflect the changing world situation and actual requirements. 261/

235. States, in cooperation with international financial institutions and other international organizations, should protect basic social programmes and expenditures, in particular those affecting the poor and vulnerable segments of society, from budget reductions. 262/

236. States, in cooperation with international and regional financial and development institutions and other international organizations, should review the impact of their policies and programmes, including structural adjustment programmes, on the enjoyment of human rights and on social development by means of gender-sensitive social-impact assessments and other relevant methods, and develop policies to reduce their negative effects and improve their positive impact. 263/

237. States, in cooperation with international financial institutions and other international organizations, should further promote policies enabling small enterprises, cooperatives and other micro-enterprises to develop their capacities for income generation and employment creation. 264/

238. States should ensure that there is greater coordination and more transparency in the collection and allocation of resources within the United Nations system. 265/

239. States should ensure that international institutions function in a transparent, accountable and coordinated manner. 266/ They should, in particular, ensure greater transparency in the activities of international financial institutions and the strengthening of consultations between such institutions and the Governments of Member States. 267/

240. States should ensure that the resolutions they have adopted in the United Nations General Assembly and the Economic and Social Council set objectives for the various specialized agencies which are at the same time global, precise and achievable. 268/

241. All States should cooperate to strengthen and continuously improve the efficiency of international organizations in implementing measures to stimulate the general economic progress of all countries, particularly of developing countries, and therefore should cooperate to adapt them, when appropriate, to the changing needs of international economic cooperation. 269/

242. Urgent and effective measures should be taken to review the lending policies of international financial institutions, taking into account the special situation of each developing country, to suit urgent needs, and to improve the practices of these institutions in regard to, inter alia, development financing and international monetary problems. 270/

243. States should pursue the coordination of macroeconomic policies so that they are mutually reinforcing and conducive to broad-based and sustained economic growth and sustainable development, as well as substantial increases in productive employment expansion and a decline in unemployment worldwide. 271/

244. States should cooperate in creating an enabling international economic and political environment, in particular through the democratization of decision-making in intergovernmental bodies and institutions that deal with trade, monetary policy, and development assistance, and by means of greater international partnership in the fields of research, technical assistance, finance and investment. 272/

245. Developing countries should participate on the basis of equality with other members of the international community in any prior consultations and decision-making in the reform of the world trade and monetary system; and developed countries should not take any unilateral decisions which directly or indirectly affect the social and economic development of developing countries. 273/

246. All efforts should be made to reform the international monetary system with, inter alia, the following objectives:

(a) Measures to check the inflation already experienced by the developed countries to prevent it from being transferred to developing countries, and to study and devise possible arrangements within the International Monetary Fund to mitigate the efforts of inflation in developed countries on the economies of developing countries; 274/

(b) Measures to eliminate the instability of the international monetary system, in particular the uncertainty of the exchange rates, especially as it affects adversely the trade in commodities; 275/

(c) Maintenance of the real value of the currency reserves of the developing countries by preventing their erosion from inflation and exchange rate depreciation of reserve currencies; 276/

(d) There should be full and effective participation of developing countries in all phases of decision-making for the formulation of an equitable and durable monetary system and adequate participation of developing countries in all bodies entrusted with this reform and, particularly, in the Council of Governors of the International Monetary Fund; 277/

(e) There should be a review by the International Monetary Fund of the relevant provisions in order to ensure effective participation by developing countries in the decision-making process; 278/

(f) There should be more effective participation by developing countries, whether recipients or contributors, in the decision-making process in the competent organs of the World Bank and the International Development Association, through the establishment of a more equitable pattern of voting rights. 279/

247. The World Bank should be encouraged to strengthen and further develop its policies relating to poverty reduction and policies intended to address the social aspects of adjustment. In this context, the World Bank should be sensitive to the pronouncements of the human rights bodies of the United Nations and should gradually incorporate human rights criteria in its

work at all stages, including in project and policy lending, preparation of policy guidelines, as well as in project and policy appraisal, monitoring and assessment. 280/

248. Other bodies of the United Nations system, including the international financial institutions, should increase their participation in the meetings of human rights bodies, including treaty monitoring bodies. 281/

249. The international financial institutions should report periodically to the General Assembly and the Economic and Social Council on the social repercussions of their policies for the full enjoyment of economic, social and cultural rights in the developing countries. 282/

250. The General Assembly, as well as the Economic and Social Council could convene meetings of high-level representatives to promote international dialogue on critical social issues and on policies for addressing them through international cooperation. 283/

251. The Commission on Human Rights and the Economic and Social Council should encourage and stimulate non-governmental organizations engaged in development issues in the field to participate actively in the human rights bodies. 284/

252. International non-governmental organizations should be encouraged to increase their contributions to the United Nations organs dealing with economic, social and cultural rights, in terms of information and detailed analyses of the degree to which economic, social and cultural rights are realized in different settings. Such analyses should provide insight into the different problems of the realization of economic, social and cultural rights and the root causes of these problems. 285/

Notes

1/ See Danilo Türk, Second progress report on the realization of economic, social and cultural rights, (E/CN.4/Sub.2/1991/17), paras. 55-65, 71 and 99.

2/ See report of the Secretary-General prepared in pursuance of Commission on Human Rights resolution 1994/11 (E/CN.4/1995/25).

3/ Türk, Second progress report, op. cit., para. 85.

4/ Ibid., para. 86.

5/ Ibid., para. 78.

6/ Ibid., para. 125.

7/ Türk, Preliminary report, E/CN.4/Sub.2/1989/19, para. 82.

8/ See Türk, Second progress report, op. cit., para. 88.

9/ Türk, Preliminary report, op. cit., para. 84.

10/ Türk, Second progress report, op. cit., para. 155.

11/ Türk, Preliminary report, paras. 53, 53 (a) and 54.

12/ Ibid., paras. 53-63.

13/ Aureliu Cristescu, The Right to Self-Determination: Historical and Current Development on the Basis of United Nations Instruments, (United Nations publication, Sales No. E.80.XIV.3), para. 538.

14/ See Türk, Second progress report, op. cit., para. 79 and Final report, E/CN.4/Sub.2/1992/16, para. 50.

15/ See Türk, Final Report, op. cit., paras. 57-62.

16/ Türk, Preliminary report, op. cit., para. 80.

17/ Ibid., para. 82.

18/ Ibid., para. 83.

19/ See Türk, Final report, op. cit., paras. 44, 45, 91 and 96.

20/ Türk, Second progress report, op. cit., para. 89.

21/ See Türk, Final report, op. cit., paras. 44 and 45.

22/ See ibid., paras. 41, 42 and 85.

23/ Türk, Second progress report, op. cit., para. 176.

24/ Türk, Final report, op. cit., para. 98.

25/ Türk, Second progress report, op. cit., para. 178.

26/ See ibid., paras. 184-185 and Türk, Final report, op. cit., paras. 101 and 104.

27/ See Türk, Second progress report, op. cit., para. 186.

28/ Türk, Final report, op. cit., para. 105.

29/ Ibid.

30/ See Türk, Second progress report, op. cit., paras. 128-167.

31/ Türk, Final report, op. cit., paras. 76-84.

32/ Ibid., para. 78.

33/ See Türk, Preliminary report, op. cit., para. 52.

34/ Türk, Second progress report, op. cit., para. 128.

35/ Ibid., para. 156.

36/ See ibid., paras. 157-166.

37/ Türk, Final report, op. cit., para. 118.

38/ Ibid., para. 48.

39/ Ibid., para. 49.

40/ Türk, Second progress report, op. cit., para. 201.

41/ Ibid.

42/ Türk, Final report, op. cit., para. 134.

43/ Danilo Türk, Second progress report, op. cit., para. 53.

44/ See Türk, Preliminary report, op. cit., paras. 71-75.

45/ Ibid., para. 73.

46/ Türk, Second progress report, op. cit., paras. 190-193.

47/ Türk, Final report, op. cit., para. 117.

48/ See ibid., paras. 177-181, 187 and 188.

49/ Ibid., para. 128.

50/ Ibid., para. 136.

51/ Ibid., paras. 64 and 196.

52/ Declarations on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, General Assembly resolution 2625 (XXV). See also common

art. 1 (1), International Covenant on Economic, Social and Cultural Rights and on Civil and Political Rights and General Assembly resolution 1514 (XV) and Security Council resolution 183 (1963).

53/ Charter of Economic Rights and Duties of States (General Assembly in resolution 3281 (XXIX)), art. 7.

54/ Declaration on Social Progress and Development (General Assembly resolution 2542 (XXIV)), art. 8.

55/ Commission on Human Rights resolution 1987/20, para. 4. See also Declaration on the Right to Development, art. 2 (1).

56/ Commission on Human Rights resolutions 1985/42 and 1986/15.

57/ Declaration on the Right to Development, art. 6 (2).

58/ Universal Declaration of Human Rights, art. 1.

59/ Declaration on Social Progress and Development (General Assembly resolution 2542 (XXIV)), art. 2.

60/ Türk, Second progress report, op. cit., para. 52 (c).

61/ Report of the Working Group on the Right to Development on its third session (E/CN.4/1995/27), para. 62.

62/ Commission on Human Rights resolution 1989/21, para. 3.

63/ Declaration on the Right to Development, art. 2.

64/ Ibid., art. 2 (3).

65/ Declaration on Social Progress and Development, art. 7.

66/ Copenhagen Declaration and Programme of Action, Part Two, para. 8.

67/ Economic and Social Council resolution 1989/71, para. 2.

68/ Copenhagen Declaration and Programme of Action, Part Two, para. 70.

69/ Copenhagen Declaration and Programme of Action, Part Two, para. 83 (e) and Economic and Social Council resolution 1989/71, para. 2.

70/ Türk, Second progress report, op. cit., para. 70.

71/ Report of the United Nations Conference on Environment and Development (E/CONF.151/26/Rev.1), vol. I, 1992, para. 2.33.

72/ General Assembly resolution 45/194 on "Economic stabilization programmes in developing countries", para. 3.

73/ Report of the Working Group on the Right to Development on its third session, op. cit., para. 79.

74/ Cristescu, op. cit., paras. 357-358 and ibid., paras. 76-77.

75/ Copenhagen Declaration and Programme of Action, Part Two, para. 6.

76/ General Assembly resolution 1803 (XVII) on "Permanent sovereignty over natural resources", para. 2.

77/ Declaration on Social Progress and Development, art. 6.

78/ General Assembly resolution 45/194, para. 4 and Commission on Human Rights resolution 1991/13.

79/ Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1989/21.

80/ Copenhagen Declaration and Programme of Action, Part Two, para. 49 (c).

81/ Declaration on Social Progress and Development, art. 9.

82/ Report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21), para. 66 (a) and (b) and on its second session (E/CN.4/1995/11), para. 52.

83/ Declaration on the Right to Development, art. 3 (3). See also Vienna Declaration and Programme of Action, Part I, para. 10.

84/ Declaration on the Right to Development, art. 3 (3).

85/ Commission on Human Rights resolution 1985/43.

86/ Charter of Economic Rights and Duties of States, art. 8.

87/ Declaration on Social Progress and Development, art. 7.

88/ Programme of Action on the Establishment of a New International Economic Order, General Assembly resolution 3202 (S-VI) II, 2 (b).

89/ Türk, Second progress report, op. cit., para. 52 (h).

90/ Commission on Human rights resolutions 1993/14 and 1994/20. See also Türk, Final report, op. cit., para. 225.

91/ Türk, Final report, op. cit., para. 218.

92/ Türk, Final report, op. cit., para. 224.

93/ Copenhagen Declaration and Programme of Action, Part Two, para. 85 (b); Declaration on Social Progress and Development, art. 15 (a); Report of the Working Group on the Right to Development on its third session, op. cit., para. 91.

94/ Declaration on Social Progress and Development, art. 15 (b).

95/ Copenhagen Declaration and Programme of Action, Part Two, para. 54 (b) and Commission on Human Rights resolution 1994/63.

96/ Copenhagen Declaration and Programme of Action, Part Two, para. 86 (c) and Raúl Ferrero, Study on the New International Economic Order and the Promotion of Human Rights (United Nations publication, Sales No. 84.XIV.1), para. 159. See also Declaration on Social Progress and Development, art. 20 (a).

97/ Cristescu, op. cit., para. 665 (a).

98/ Commission on Human Rights resolution 1994/63.

99/ Cristescu, op. cit., para. 665 (g).

100/ ILO Recommendation No. 149, art. 5 and Copenhagen Declaration and Programme of Action, Part Two, para. 86 (d).

101/ Copenhagen Declaration and Programme of Action, Part Two, para. 31 (g). See also Universal Declaration on the Eradication of Hunger and Malnutrition, para. 4.

102/ See provisions of ILO Convention 141 concerning Organizations of Rural Workers and Their Role in Economic and Social Development, 1975.

103/ Copenhagen Declaration and Programme of Action, Part Two, para. 75 (i).

104/ Ibid., para. 52 (d).

105/ Ibid., para. 35 (e).

106/ Declaration on Social Progress and Development, art. 5 (a).

107/ Copenhagen Declaration and Programme of Action, Part Two, para. 71 (c).

108/ Ibid., para. 38 (h).

109/ Ibid., para. 49 (e).

110/ Report of the Global Consultation on the Right to Development as a Human Right, (HRI/PUB/91/2), para. 188.

111/ Türk, Final report, op. cit., para. 234.

112/ Copenhagen Declaration and Programme of Action, Part Two, paras. 27 (a) and 83 (a). See also Türk, Final Report, op. cit., para. 242.

113/ Ibid., para. 74 (f).

114/ Türk, Final report, op. cit., para. 229.

115/ Declaration on the Right to Development, art. 8.

116/ Ibid.

117/ Cristescu, op. cit., para. 346. See also Türk, Final report, op. cit., para. 227.

118/ Copenhagen Declaration and Programme of Action, Part Two, para. 26 (b).

119/ Ibid., para. 49 (b).

120/ Ibid., para. 50 (a).

121/ Ibid., para. 50 (b).

122/ Ibid., para. 52 (e).

123/ Ibid., para. 50 (j).

124/ ILO Convention No. 131 concerning Minimum Wage Fixing, with Special Reference to Developing Countries, 1970, art. 1 (1).

125/ Ibid., art. 3.

126/ Copenhagen Declaration and Programme of Action, Part Two, para. 32 (b).

127/ Ibid., para. 51 (f).

128/ Ibid., para. 55 (a).

129/ Declaration on Social Progress and Development, art. 20 (b).

130/ ILO Convention No. 155 concerning Occupational Safety and Health and the Working Environment, 1981, art. 5 (b).

131/ Copenhagen Declaration and Programme of Action, Part Two, para. 54 (b). See also Commission on Human Rights resolution 1994/63.

132/ Ibid., para. 53 (i).

133/ Ibid., para. 31 (g). See also Universal Declaration on the Eradication of Hunger and Malnutrition, para. 4.

134/ Ibid., para. 36 (e).

135/ Universal Declaration on the Eradication of Hunger and Malnutrition, para. 11.

136/ Declaration on Social Progress and Development, art. 18 (c).

137/ Ibid., art. 18 (b).

138/ Copenhagen Declaration and Programme of Action, Part Two, para. 32 (f).

139/ Declaration on Social Progress and Development, art. 17 (d).

140/ Copenhagen Declaration and Programme of Action, Part Two, para. 32 (i).

141/ Ibid., para. 32 (h).

142/ Ibid., para. 31 (k).

143/ Ibid., para. 33.

144/ Ibid., para. 33 (a).

145/ Ibid., para. 26 (e).

146/ Ibid., para. 37 (b).

147/ Türk, Final report, op. cit., para. 242.

148/ Copenhagen Declaration and Programme of Action, Part Two, para. 13 (e).

149/ Ibid., para. 12 (e).

150/ Ibid., para. 13 (b).

151/ Report of the Working Group on the Right to Development on its second session, op. cit., para. 51.

152/ Ibid., para. 66.

153/ Türk, Final report, op. cit., para. 196 (f).

154/ International Development Strategy for the Second United Nations Development Decade (General Assembly resolution 2626 (XXV)).

155/ Declaration on Social Progress and Development, art. 16 (c). See also Copenhagen Declaration and Programme of Action, Part Two, para. 13 (d) and Türk, Final report, op. cit., para. 227.

156/ Ibid., art. 16 (b).

157/ Copenhagen Declaration and Programme of Action, Part Two, paras. 13 (c) and 87 (a). See also Türk, Final report, op. cit., paras. 83 and 241.

158/ Ibid., para. 87 (b).

159/ Cristescu, op. cit., para. 665 (d).

160/ Declaration on Social Progress and Development, art. 16 (d).

161/ Copenhagen Declaration and Programme of Action, Part Two, para. 87 (e).

162/ Türk, Final report, op. cit., para. 226.

163/ Copenhagen Declaration and Programme of Action, Part Two, para. 25.

164/ Ibid., para. 87 (c).

165/ Cristescu, op. cit., para. 358 (c).

166/ Copenhagen Declaration and Programme of Action, Part Two, para. 27 (b).

167/ Ibid., para. 25.

168/ Ibid., para. 38 (g).

169/ Cristescu, op. cit., para. 665 (b).

170/ International Covenant on Economic, Social and Cultural Rights, art. 2. See also Copenhagen Declaration and Programme of Action, Part Two, para. 36 (a).

171/ Copenhagen Declaration and Programme of Action, Part Two, para. 36 (k).

172/ Ibid., para. 34 (b).

173/ Ibid., para. 37 (a).

174/ Ibid., para. 35 (a).

175/ Declaration on Social Progress and Development, art. 19 (a).

176/ Copenhagen Declaration and Programme of Action, Part Two, para. 37 (f).

177/ Ibid., para. 36 (l).

178/ Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1993/36.

179/ Copenhagen Declaration and Programme of Action, Part Two, para. 36 (m).

180/ Ibid., para. 35 (c).

181/ Türk, Final report, op. cit., para. 242.

182/ Copenhagen Declaration and Programme of Action, Part Two, para. 38 (c).

183/ Türk, Final Report, op. cit., para. 162.

184/ Charter of Economic Rights and Duties of States, art. 1. See also Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)).

185/ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

186/ Declaration on the Establishment of a New International Economic Order (General Assembly resolution 3201 (S-VI)), para. 4 (d).

187/ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. See also common art. 1 (1), International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, General Assembly resolution 1514 (XV) and Security Council resolution 183 (1963).

188/ International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, common art. 1 (2).

189/ Declaration on the Establishment of a New International Economic Order, para. 4 (c).

190/ UNCTAD resolution 46 (III), 1972, Proceedings of the United Nations Conference on Trade and Development, Third Session, Vol. 1, Report and Annexes (United Nations publication, Sales No. E.73.II.D.4), annex I, A., pp. 59-60.

191/ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

192/ Charter of Economic Rights and Duties of States, art. 24.

193/ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

194/ Charter of Economic Rights and Duties of States, art. 17.

195/ General Assembly resolution 1803 (XVII), seventh preambular para.

196/ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations; General Assembly resolutions 2131 (XX), para. 2; 2625 (XXV) and 3281 (XXIX), 1974; Charter of Economic Rights and Duties of States, art. 32.

197/ Cristescu, op. cit., para. 191.

198/ Declaration on the Establishment of a New International Economic Order, para. 4 (k).

199/ General Assembly resolution 1803 (XVII) eighth preambular para.

200/ Declaration on Social Progress and Development, art. 23 (b).

201/ General Assembly resolution 1803 (XVII), para. 3.

202/ General Assembly resolution 523 (VI), 1952, ... (ii).

203/ First session of United Nations Conference on Trade and Development, 1964, General Principle One, Proceedings of the United Nations Conference on Trade and Development, Vol. 1, Final Act and Report (United Nations publication, Sales No. 64.II.B.11), pp. 18-21.

204/ Charter of Economic Rights and Duties of States, art. 4.

205/ Vienna Declaration and Programme of Action, Part I, para. 31. See also Copenhagen Declaration and Programme of Action, Part Two, para. 9 (e).

206/ Ibid.

207/ Report of the Working Group on the Right to Development on its third session, op. cit., para. 83.

208/ Charter of Economic Rights and Duties of States, art. 2 (2) (a).

209/ Ibid., art. 2 (2) (b).

210/ Copenhagen Declaration and Programme of Action, Part Two, para. 36 (e).

211/ Programme of Action on the New International Economic Order, II, 2 (b).

212/ First session of UNCTAD, General Principle Four, op. cit.

213/ Report of the Working Group on the Right to Development on its third session, op. cit., para. 96.

214/ Charter of Economic Rights and Duties of States, art. 22 (1).

215/ Commission on Human Rights resolution 1989/21, para. 1.

216/ Commission on Human Rights resolutions 1993/12, 1994/11 and 1995/13.

217/ Commission on Human Rights resolutions 1992/9, 1993/12, 1994/11 and 1995/13.

218/ Commission on Human Rights resolutions 1993/12, 1994/11 and 1995/13.

219/ Commission on Human Rights resolution 1995/13. See also Türk, Final report, op. cit., para. 230. See also Vienna Declaration and Programme of Action, Part I, para. 12.

220/ Copenhagen Declaration and Programme of Action, Part Two, para. 90 (b).

221/ Commission on Human Rights resolution 1995/13.

222/ Copenhagen Declaration and Programme of Action, Part Two, para. 90 (e).

223/ Commission on Human Rights resolutions 1993/12, 1994/11 and 1995/13.

224/ Commission on Human Rights resolution 1995/13.

225/ Charter of Economic Rights and Duties of States, art. 14.

226/ Copenhagen Declaration and Programme of Action, Part Two, para. 88 (1).

227/ Charter of Economic Rights and Duties of States, art. 28.

228/ Universal Declaration on the Eradication of Hunger and Malnutrition, para. 11.

229/ Report of the Working Group on the Right to Development on its second session, op. cit., para. 91.

230/ Lima Declaration and Plan of Action on Industrial Development and Cooperation, Second General Conference of UNIDO, 1975.

231/ Declaration on Social Progress and Development, art. 12 (c).

232/ Declaration on the Establishment of a New International Economic Order, para. 4 (g).

233/ Copenhagen Declaration and Programme of Action, Part Two, para. 13 (f).

234/ Programme of Action on the Establishment of a New International Economic Order.

235/ Türk, Final report, op. cit., para. 196 (d).

236/ Ibid., para. 230.

237/ Declaration on Social Progress and Development, art. 23 (c) and (d).

238/ Copenhagen Declaration and Programme of Action, Part Two, para. 50 (d).

239/ Universal Declaration on the Eradication of Hunger and Malnutrition, para. 8.

240/ Ibid., para. 88 (e).

241/ Ibid., para. 30 (c).

242/ Ibid., para. 84 (a).

243/ Ibid., para. 83 (b).

244/ Ibid., para. 88 (h).

245/ Ibid., para. 11 (h).

246/ Ibid., para. 88 (i).

247/ Türk, Final report, op. cit., para. 196 (c).

248/ First session of UNCTAD, General Principle Five, op. cit.

249/ Lima Declaration and Plan of Action, op. cit. See also Programme of Action on the Establishment of a New International Economic Order, para. 3 (a) (vii).

250/ Copenhagen Declaration and Programme of Action, Part Two, para. 10 (c).

251/ Report of the United Nations Conference on Environment and Development, op. cit. para. 4.17.

252/ Universal Declaration on the Eradication of Hunger and Malnutrition, para. 11.

253/ Report of the United Nations Conference on Environment and Development, op. cit., para. 2.12.

254/ Ibid., para. 2.35.

255/ Charter of Economic Rights and Duties of States, art. 15. See also Declaration on the Right to Development, art. 7 and Commission on Human Rights resolutions 1985/42, 1986/15, 1987/19, 1988/22.

256/ Economic and Social Council resolution 1989/71, para. 3.

257/ Economic and Social Council resolutions 1988/46 and 1989/71.

258/ Report of the Working Group on the Right to Development on its second session, op. cit., para. 88.

259/ Report of the Working Group on the Right to Development on its third session, op. cit., para. 58.

260/ Copenhagen Declaration and Programme of Action, Part Two, para. 92 (a).

261/ Economic and Social Council resolution 1989/53, para. 13.

262/ Copenhagen Declaration and Programme of Action, Part Two, para. 91 (a).

263/ Ibid., paras 91 (b) and 92 (c) and Vienna Declaration and Programme of Action, Part II, para. 2.

264/ Copenhagen Declaration and Programme of Action, Part Two, para. 91 (c).

265/ Report of the Working Group on the Right to Development on its third session, op. cit., para. 61.

266/ Ibid., para. 79.

267/ Ibid., para. 97. See also Commission on Human Rights resolution 1995/13.

268/ Report of the Working Group on the Right to Development on its second session, op. cit., para. 89.

269/ Charter of Economic Rights and Duties of States, art. 11.

270/ Programme of Action on the Establishment of a New International Economic Order, IX, 5.

271/ Copenhagen Declaration and Programme of Action, Part Two, para. 49 (a).

272/ Report of the Global Consultation on the Right to Development as a Human Right, op. cit., para. 187.

273/ UNCTAD resolution 46 (III), 1972, op. cit., principle VI.

274/ Programme of Action on the New International Economic Order, II, 1 (a).

275/ Ibid., II, 1 (b).

276/ Ibid., II, 1 (c).

277/ Ibid., II, 1 (d).

278/ Ibid., II, 1 (g).

279/ Ibid., II, 2 (c).

280/ Türk, Final report, op. cit., para. 231.

281/ Commission on Human Rights resolution 1994/20.

282/ Commission on Human Rights resolution 1995/13.

283/ Copenhagen Declaration and Programme of Action, Part Two, para. 95 (c).

284/ Report of the Working Group on the Right to Development on its third session, op. cit., para. 89.

285/ Türk, Final report, op. cit., para. 244.

ANNEX

THE LEGAL FRAMEWORK

I. INTERNATIONAL INSTRUMENTS

Charter of the United Nations, Articles 55 and 56;

Universal Declaration of Human Rights;

ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise, 1948;

ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949;

ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951;

ILO Convention No. 105 concerning the Abolition of Forced Labour, 1957;

ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, 1958;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Declaration on the Granting of Independence to Colonial Countries and Peoples, General Assembly resolution 1514 (XV) of 14 December 1960;

General Assembly resolution 1803 (XVII) of 14 December 1962, "Permanent sovereignty over natural resources";

Declaration on Social Progress and Development, General Assembly resolution 2542 (XXIV) of 11 December 1969;

Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, General Assembly resolution 2625 (XXV) of 24 October 1970;

ILO Convention No. 131 concerning Minimum Wage Fixing, with Specific Reference to Developing Countries, 1970;

Charter of Economic Rights and Duties of States, General Assembly resolution 3281 (XXIX) of 12 December 1974;

Declaration and Programme of Action on the Establishment of a New International Economic Order, General Assembly resolutions 3201 (S-VI) and 3202 (S-VI), respectively, of 1 May 1974;

Universal Declaration on the Eradication of Hunger and Malnutrition, adopted by the World Food Conference (Rome November 1974) and endorsed by General Assembly resolution 3348 (XXIX) of 17 December 1974;

ILO Convention No. 141 concerning Organisations of Rural Workers and Their Role in Economic and Social Development, 1975;

Convention on the Elimination of All Forms of Discrimination against Women;

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